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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,066	02/20/2002	Kevin P. Cowan	VI/01-006	5110

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GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA, PA 15051

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,066

Applicant(s)

COWAN ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) 1-27, 30, 31, 40-45, 49-52 and 57-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28, 29, 32-39, 46-48, 53-56, 91 and 92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 29, 32-39, 46-48, 53-56, 91 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 4969879, Lichte in view of US patent 6319236, Bock.

In regards to claim 28, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

a cooperating tapered fitting (38);

at least one port (310) in fluid connection with the cooperating tapered fitting; and

a cooperating attachment member (240) attached to the cooperating fitting to engage the attachment member of the tapered fitting assembly, a predetermined level of force being required to cause the cooperating attaching elements to form a cooperating connection with the at least one attachment member of the tapered fitting assembly. Lichte does not disclose a cooperation fitting having a luer taper. Bock teaches a luer taper "mechanically connect two medical devices" (col. 1, lines 14-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate a cooperation fitting having a luer taper to mechanically connect two medical devices, as taught by Bock.

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In regards to claim 29, Lichte discloses the cooperating attachment member engaging the attachment member via relative axial motion of the cooperating tapered fitting and the fitting assembly.

In regards to claim 32, Lichte discloses the cooperating attachment member comprising at least one axially extending arm (266) having at least one radially inward extending flange (282) projecting therefrom.

In regards to claim 33, Lichte discloses the cooperating attachment member comprising a plurality of extending arms, each of the arms having at least one radially inward extending flange projecting therefrom.

In regards to claim 34, Lichte discloses the flanges of the arms being biased radially inward in connection with the attachment member of the tapered fitting assembly when the connector and the fitting assembly are engaged.

In regards to claim 35, Lichte discloses the arms being resilient, flexing arms and being biased radially inward by a bending moment.

In regards to claim 36, Lichte discloses the arms being biased radially inward by a locking member (270, 272) attached to the connector.

In regards to claim 37, Lichte discloses the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

In regards to claim 38, Lichte discloses the biasing member comprising at least one resilient spring arm in operating connection with the cooperating tapered fitting.

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In regards to claim 39, Lichte discloses the biasing member comprising a plurality of resilient spring arms in operating connection with the cooperating tapered fitting.

In regards to claim 46, Lichte in view of Bock disclose a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

a cooperating tapered fitting having a luer taper complimentary to the luer of the fitting of the tapered fitting assembly; and

a plurality of resilient, extending arms in operative attachment with the cooperating tapered fitting, each of the arms comprising at least one radially inward extending flange, a predetermined level of force being require to cause the radially inward extending flanges to form a cooperating connection with the at least one attachment member of the tapered fitting assembly.

In regards to claim 47, Lichte discloses a rearward surface of the radially inward extending flanges of the arms being sloped forward to cause the arms to flex radially outward when the connector is moved to contact the radially inward extending flanges of the arms with the attachment member of the tapered fitting assembly which comprises a radially outward extending flange.

In regards to claim 48, Lichte discloses a biasing member in operative connection with the cooperating tapered fitting to provide an axial force directed to maintain the tapered fitting assembly and the connector in engagement when the connector is engaged to the tapered fitting assembly.

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In regards to claim 53, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

a cooperating tapered fitting having a luer taper complimentary to the luer of the fitting of the tapered fitting assembly;

a cooperating attachment member operable to engage the attachment member of the tapered fitting assembly; and

at least one port in fluid connection with the cooperating tapered fitting; the cooperating attachment member comprising a plurality of extending arms, each of the arms comprising at least one radially inward extending attaching element, the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

In regards to claim 54, Lichte discloses the biasing member comprising at least one spring arm in operative connection with the cooperating tapered fitting.

In regards to claim 55, Lichte discloses the connector being formed from an integral piece of resilient polymeric material.

In regards to claim 56, Lichte discloses the connector being formed from an integral piece of resilient polymeric material.

In regards to claim 91, Lichte in view of Bock disclose a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

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a cooperating tapered fitting having a taper complimentary to the taper of the fitting of the tapered fitting assembly;

a cooperating attachment member operable to engage the attachment member of the tapered fitting assembly; and at least one port in fluid connection with the cooperating tapered fitting; the cooperating attachment member comprising a plurality of extending arms, each of the arms comprising at least one radially inward extending attaching element, the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement the connector being formed from an integral piece of resilient polymeric material.

In regards to claim 92, Lichte in view of Bock disclose the biasing member comprising at least one spring arm in operative connection with the cooperating tapered fitting.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

The Applicant argues that Lichte does not disclose the connector being formed from an integral piece of resilient polymeric material. The Examiner disagrees. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). Therefore, Lichte meets the claim limitation.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M. Dunwoody
Primary Examiner
Art Unit 3679

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